

Remarks

Applicants provide the present amendment in connection with a Request for Continued Examination in an effort to more particularly point out the invention. Reconsideration and allowance of the subject application, in view of the following remarks, are respectfully requested.

Claim Amendments

Independent claims 1, 9 and 23 have been amended to require that the claimed “lever” and “solenoid” be coupled to a common “base plate.” Support for these amendments may be found through out the specification, e.g. at page 4, line 21 to page 5, line 2, FIGS. 1-7, and original claim 9.

Rejections Under 35 U.S.C. §102

Independent claims 1, 9 and 23 have been rejected under 35 U.S.C. §102(b) as being anticipated by Smale et al. (U.S. Patent No. 5,566,581, hereinafter “Smale”). Section 2131 of the Manual of Patent Examining Procedure sets forth the standard for rejecting a claim based on anticipation grounds:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

It is respectfully submitted that Smale fails to anticipate independent claims 1, 9 and 23, at least because Smale fails to show both a “lever” and “solenoid” coupled to a common “base plate”, “wherein in said first position of said lever and in said extended position of said plunger, said plunger is disposed between said lever bearing surface and said stationary bearing surface blocking said lever from pivoting to said second position, and in said retracted position of said plunger said lever is not blocked from pivoting between said first position and said second position.” In fact, the Examiner has not identified a common “base plate” as being present in any of the cited references.

Dependent Claims

The pending dependent claims have been rejected as anticipated by Smale, or obvious in view of Smale combined with Dorr, Kataumi, or Mochida. All dependent claims depend from an allowable base claim, and are therefore also allowable for at least that reason.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the presently pending claims are allowable over the cited references. A Notice of Allowance is earnestly solicited. No additional fees are believed necessitated by this response. However, in the event of any fee deficiencies, or that additional fees are payable, please charge our Deposit Account No. 50-2121 as necessary.

RESPECTFULLY SUBMITTED,

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